

**REMARKS**

Applicants wish to thank the Examiner for indicating that claims 1-5 and 10-15 are allowable.

The balance of the claims, namely claims 6-9, were either objected to or rejected. More specifically, claims 6 and 9 were rejected based on 35 U.S.C. §102(e) using Chen et al. ("Chen") while claims 7 and 8 were objected to, the Examiner indicating that these claims would be allowable if rewritten in independent form to include all of the features of the base claim and any intervening claims. For at least the reasons set forth below, Applicants respectfully believe the Examiner is in error and traverse this rejection.

Of the remaining claims, claims 7-9 depend on independent claim 6. Therefore, Applicants will direct their remarks to claim 6 with the understanding that these remarks apply equally to claims 7-9.

Claim 6 is directed at a method for use in a wireless network element, where the method comprises formatting data into a data frame. The formatted data frame comprises a header portion, a payload portion and a quality of service (QoS) field associated with the payload portion. Thereafter, the method transmits the so-formatted data frame to another node of a wireless network.

Claim 6 requires a QoS field to be associated with each payload of a formatted data frame. Said another way, a QoS field is associated on a per-payload basis.

In contrast, Chen does not disclose or suggest associating a QoS field with a payload portion on a per-payload basis. Instead, QoS requirements are transmitted between a receiver and a transmitter on a per-traffic basis.

Chen appears to incorporate by reference the FlowSpecs requirement embodied in the Internet Engineering Task Force (IETF) RFC 2205, Research Reservation Protocol Document. This FlowSpec represents a QoS request for an overall traffic requirement between a transmitter and receiver. It does not represent a per-payload requirement as in claims 6-9 of the present invention. (See for example Chen, column 1, lines 28-35, which describes an RSVP Path message which carries traffic characteristic information to indicate characteristics of the traffic being sent from a transmitting user 10.) Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 6-9.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

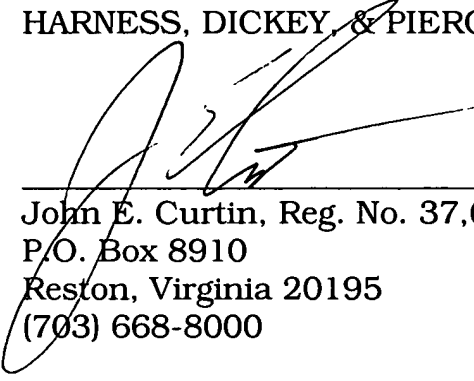
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit

Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



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